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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,714	06/06/2005	George Telfer	257.039	8351

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PERRET DOISE
A PROFESSIONAL LAW CORPORATION
P.O. DRAWER 3408
LAFAYETTE, LA 70502-3408

EXAMINER

HARCOURT, BRAD

ART UNIT	PAPER NUMBER
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3672

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/509,714

Applicant(s)

TELFER, GEORGE

Examiner

Brad Harcourt

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/01/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/08/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: The claim should be drafted in Markush form and should read "... selected from the group consisting of...". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenhauch (US Patent No. 5,265,684) in view of Beeman (US Patent No. 6,189,618).

Rosenhauch discloses a stabilizer and jetting tool 10 comprising sleeve 28; stabilizer blades 40; fluid nozzles 41; axial bore 46; threaded connection 78 to attach sleeve 28 to tool 10. Blades 40 are actuated by fluid pressure from bore 46 and can be expanded or retracted cyclically by hydraulic pressure. Upon actuation, blades 40 extend to contact the wall of a well bore or tubular. In reference to claim 4, it would have been obvious to use a left hand screw thread for the sleeve, as the torque placed on the blades by the tubular or wellbore wall would possibly unscrew a right handed thread.

Rosenhauch discloses all of the limitations of the above claims with the exception of using a means to selectively direct fluid from the axial bore and circulate the fluid and jetting ports. Beeman discloses a tool 10 comprising axial bore 24; stabilizer 68; flow ports 36 that communicate from bore 24 to annulus; and means to selectively actuate the tool 10 comprising ball seat 54 and ball 60. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include a means to selectively redirect fluid flow on the tool of Rosenhauch in view of Beeman to have a jetting tool that can be activated or deactivated.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenhauch (US Patent No. 5,265,684) in view of Beeman (US Patent No. 6,189,618) as applied to claims 1-5 and 8-12 above, and further in view of Wood (US Patent No. 6,474,423).

Rosenhauch and Beeman disclose all of the limitations of the above claims with the exception of using helical blades or triangular flow-by grooves. Wood discloses a stabilizer for a drill bit comprising body 1, axial flow bore 9, helical stabilizers 2; and jetting nozzles 5. Helical stabilizers 2 include wear resistant inserts 3 that act as milling surfaces as the body 1 rotates. In reference to claim 7, between stabilizers 2 there are contoured areas 4 that are triangular flow-by grooves. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include helical blades with jetting ports on the tool of Rosenhauch in view of Wood to provide a more complete 360° stabilizer.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad Harcourt whose telephone number is 571-272-7303. The examiner can normally be reached on Monday through Friday from 8:30 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

BH
3/26/2007